

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, January 23, 2018
6:30 PM**

1. CALL TO ORDER, VICE MAYOR SOKOLOW

Vice Mayor Sokolow called the meeting to order at 6:30 p.m. Also present were Commissioner Edmund Malkoon, Commissioner Alfred "Buz" Oldaker, Commissioner Chris Vincent, Town Manager Bud Bentley, Deputy Town Manager Tony Bryan, Assistant Town Manager Sharon Ragoonan, Development Services Director Linda Connors, Town Attorney Susan L. Trevarthen, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Reverend Fred Powell gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

None.

5. PRESENTATIONS

a. Citizens Observer Patrol Annual Awards and Promotions (Captain Tom Palmer, BSO)

Captain Tom Palmer of the Broward Sheriff's Office (BSO) explained that the Citizens' Observer Patrol (COP) is a program through which citizens volunteer their time to patrol the Town and provide increased visibility for public safety. They also assist the Town and BSO during community events.

Captain Palmer recognized COP volunteers Lieutenant Joan Garrett, Charlie Arnao, Anne Meretsky, Colonel Bill Johansen, Dick Clark, Dolores Ann Magill, and Tom Criqui for their service to this program.

6. PUBLIC COMMENTS

At this time Vice Mayor Sokolow opened public comment.

Mark Brown, resident, related his recent experience as a rider of the Pelican Hopper, pointing out that the service can be time-consuming and does not access all neighborhoods within the Town. He suggested that the Town consider shifting this transit service to a ride-sharing system. Broward County Administrators have expressed interest in a pilot program of this nature. Mr. Brown encouraged the Commission to reconsider the service provided by the Pelican Hopper in 2018.

Steve Nagy, resident, addressed Item 17, stating that his representative received communication from the Applicant's counsel that takes issue with the validity of Ordinance 2015-12. He felt it would be appropriate to continue the proposed variance indefinitely until this issue has been properly addressed. Mr. Nagy concluded that he felt a variance would only be valid for the subject property if the property is "usable in no other way."

John Staszal, resident, also addressed Item 17, stating that he was in agreement with Mr. Nagy's comments in opposition to the proposed variance. He felt if the Town Commission cannot determine the validity of Ordinance 2015-12, the Item should be postponed.

With no other individuals wishing to speak at this time, Vice Mayor Sokolow closed public comment.

7. PUBLIC SAFETY DISCUSSION

a. VFD December Report (Chief Judson Hopping)

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

b. BSO December Report (Captain Tom Palmer)

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

8. TOWN MANAGER REPORT

a. Chamber of Commerce Quarterly Report (Courtney Stanford, Chamber President)

The Commissioners accepted the report without discussion.

b. Town Manager Report (Bud Bentley, Town Manager)

Municipal Services Director Don Prince reported that the street lining program has resumed since the close of hurricane season. At this point, work has yet to be performed on 60 line segments. These will be scheduled for replacement 30 segments at a time.

Staff will meet with Stanford Construction regarding street resurfacing. This project is expected to begin in early February 2018. Municipal Services Director Prince added that there have been air conditioning issues at the VFD station, and curbing that the air conditioner sits on was replaced to address this problem.

An upcoming Agenda Item requests approval for Staff to purchase parts for replacement streetlights damaged by the recent Hurricane Irma. These parts are not expected to arrive for 70 days. Four light poles at the north and south ends of Ocean Drive also require repairs.

Town Manager Bud Bentley also addressed street resurfacing, stating that the Town will meet with business owners on Hibiscus Drive. The sidewalk is not scheduled for repair at this time. He added that most lining and resurfacing is expected to occur in residential neighborhoods, where it is less likely to obstruct seasonal traffic.

Town Manager Bentley continued that Staff has met with the Florida Development Group (FDG), which plans to sell the former Holiday Inn property at 4116 Ocean Drive. No broker or selling price has been determined. Staff will address liens on this property at another time.

Commissioner Malkoon requested an update regarding the Town's request for appropriations for the Palm Club sewer project. Town Manager Bentley replied that Mayor Scot Sasser and Assistant Town Manager Sharon Ragoonan recently visited Tallahassee to advocate for this appropriation. The Town will not know how successful this effort has been until later during the legislative session. The estimated cost of this project is \$3 million, which was determined approximately three years ago and adjusted for inflation and rising construction costs. He cautioned that this is not a final estimate.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. January 9, 2018 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

11. CONSENT AGENDA

Items 11a and 11c were pulled for additional discussion.

- a. Hurricane Irma Damaged Streetlights (Don Prince, Municipal Services Director)**

Municipal Services Director Prince confirmed that the lights in need of repair have a sole source due to the unique needs of the lighting industry. There is currently no contract with another municipality which the Town could join to realize savings on these fixtures.

Commissioner Vincent asked if the Town may cross-reference its ongoing contract regarding the installation of light fixtures to ensure costs are appropriate. Municipal Services Director Prince explained that the contractor has estimated the amount of time necessary to complete each project, based upon time and materials.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to authorize the purchase as sole source, waive the formal bidding requirement, authorize the purchase of replacement streetlight parts from Gray Bar in the estimated amount of \$50,277.08, and authorize the Town Manager to execute a work authorization with Imperial Electric to make repairs at an estimated cost of \$39,000. Motion carried 4-0.

- b. Witt O'Brien Public Assistance Proposal (Don Prince, Municipal Services Director)**

- c. Meeting Schedule (Tedra Allen, Town Clerk)**

It was noted that the date of March 19, 2018 results in a conflict for some Commissioners. This Item was deferred by consensus, with March 27, 2018 at 5 p.m. discussed as one potential alternative.

d. 2018 Parking Permits for Turtle Monitoring Organizations (Sharon Ragoonan, Assistant Town Manager)

e. Special Event Permit Application for Community Church's Easter Sunday April 1, 2018 (Debbie Hime, Special Projects Coordinator)

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve items b, d, and e. Motion carried 4-0.

12. OLD BUSINESS

a. BSO Report on Oceanfront Traffic Control (Captain Tom Palmer)

Captain Palmer explained that this plan is being brought forward in expectation of busy upcoming weekends. The intent is to alleviate traffic in the square by allowing temporary stacking on El Mar Drive.

Commissioner Oldaker recalled earlier discussion of hiring a specific deputy solely for the purpose of managing this process. Captain Palmer advised that the hourly rate for a special detail deputy is \$43/hour on non-holidays, with a three-hour minimum. The discussion focused on five-hour shifts on peak Saturdays and Sundays during the season, which would come to roughly \$430 per weekend. Hours would most likely be 11 a.m. to 4 p.m. In the event of an emergency elsewhere in town, the deputy would be pulled from traffic duty to assist.

13. NEW BUSINESS

a. Advisory Board Appointments (Tedra Allen, Town Clerk)

The Commissioners agreed by consensus to continue the appointment procedures put in place after the 2016 election. The Town will continue to advertise for interested and qualified residents who may submit applications for appointments to the Town's Planning and Zoning Board, Audit Committee, and Board of Adjustment.

b. Town Election 2018 Candidates' Forum (Steve d'Oliveira, Public Information Officer)

Public Information Officer Steve d'Oliveira advised that the Town traditionally holds an election forum for Town candidates. All four candidates running for Town office were contacted and were agreeable to a meeting in Jarvis Hall on Monday, February 26, 2018 at 7 p.m. The League of Women Voters will moderate the event.

c. Text Message / Social Media Archival (Tony Bryan, Deputy Town Manager)

Deputy Town Manager Tony Bryan stated that this Item would improve the Town's ability to manage public record requests relating to text messages and social media. A mobile app would be installed on the Commissioners' phones, creating a new phone number. Any text messages sent from or received by that number would automatically be archived by a second service provider. The Town Clerk would be able to search the archived messages according to certain parameters, such as names or dates, and export all responsive records to the entity making the request.

Deputy Town Manager Bryan stated that the proposal is for a package that covers 20 communication channels. The additional channels would be used for the Town's social media platforms, such as Facebook and Twitter. The text message capture would apply to the Mayor and Commissioners as well as the Town Manager. The total cost would be approximately \$4800 for both programs, as well as a one-time \$335 setup fee.

Vice Mayor Sokolow requested additional information on how the app would work. Deputy Town Manager Bryan replied that messages would be sent and received using the new virtual number and would display in the app. The number also receives telephone calls. The app does not affect the existing phone number on the device.

Town Attorney Susan Trevarthen advised that while Town Statutes do not dictate the mechanism used to archive messages, the proposed app would provide a simple and reliable technology to capture texts in a way that meets public record obligations.

Commissioner Vincent suggested that the Item be deferred until after the upcoming election so the two new Commissioners may provide input on the program. It was clarified that the program would also capture voice mail sent to the app, although it would not record conversations.

Town Manager Bentley explained that the primary reason for the proposal at tonight's meeting was to confirm which telephone numbers the newer Commissioners would like published on their business cards and on the Town's website. Deputy Town Manager Bryan noted that if the Item is deferred, the setup fee would increase to \$500.

The Commissioners agreed by consensus to defer the Item until after the election.

14. COMMISSIONER COMMENTS

Commissioner Malkoon thanked Town Staff for their assistance over the past two weeks as he began his term as Commissioner. He added that he has worked to familiarize himself with issues before the Commission on tonight's Agenda, including the variance request under Item 17.

Commissioner Oldaker reiterated that he was disappointed with FDG's sale of the former Holiday Inn property. He asked if FDG can be expected to maintain the property in the current manner during the sale. Development Services Director Linda Connors replied that FDG will go before the Special Magistrate on Thursday, January 25, 2018 to review the stipulated agreement regarding existing Code violations. The Town will state that FDG is in violation of this agreement, as they have not submitted a valid site plan.

Development Services Director Connors continued that other violations have recently been recorded and notice has been sent to the property owner. Although FDG will not proceed with the renovation of the property, they are still required to maintain it, and Town Staff will continue to enforce Code.

15. ORDINANCES

a. Ordinances 1st Reading

- i. Ordinance 2018-02 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 18, "TAXATION AND FINANCE," OF THE CODE OF ORDINANCES, BY AMENDING SECTION 18-70, "EMERGENCY RESERVE ACCOUNT OF THE GENERAL FUND"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Tony Bryan, Deputy Town Manager)**

At this time Vice Mayor Sokolow opened public comment, which he closed upon receiving no input.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

b. Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

- a. Resolution 2018-04 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING A REVISED PAY PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE (Bud Bentley, Town Manager)**

At this time Vice Mayor Sokolow opened public comment, which he closed upon receiving no input.

Assistant Town Manager Sharon Ragoonan advised that this Item would amend the Town's pay plan to include a position for a supervisor in the Parking Department. This employee would fulfill duties currently performed by the meter technician and would oversee the operations of the Parking Department with improved on-site supervision of its different aspects.

Commissioner Oldaker asked to whom the supervisor would report. It was clarified that this position would report to the Assistant Town Manager.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 4-0.

- b. Resolution 2018-05 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING A 5% INCREASE IN TOWN COMMISSIONER SALARIES, EFFECTIVE JANUARY 27, 2018; DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EFFECTUATE THE 5% SALARY INCREASE FOR THE TOWN COMMISSION; PROVIDING FOR CONFLICT, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Tony Bryan, Deputy Town Manager)**

At this time Vice Mayor Sokolow opened public comment, which he closed upon receiving no input.

Deputy Town Manager Bryan explained that the proposed Resolution would increase the Mayor's salary from \$15,513.42 to \$16,289.09, a difference of \$775.67. It would also increase Commissioners' salaries from \$12,410.84 to \$13,031.38, a difference of \$620.54. He referred the Commissioners to a benchmark chart included in their backup materials, which shows that the Town's Commission salaries rank 20th out of 29 municipalities. The Mayor's salary ranks 19th out of 29. The median Commission and Mayor salaries are \$24,000 and \$25,065 respectively.

The Item died for lack of motion.

17. QUASI JUDICIAL PUBLIC HEARINGS

Vice Mayor Sokolow stated that he would recuse himself from discussing or voting upon either Item due to a conflict of interest.

a. Report on Questions about Ordinance 2015-12 as it relates to the Variance Request for 4437 West Tradewinds Avenue (Susan Trevarthen, Town Attorney)

Town Attorney Trevarthen recalled that at the previous Commission meeting, the Commission received communication from the Applicant's attorney claiming that the Ordinance creating a 25 ft. rear waterfront setback for RS-5 properties was deficient, due to lack of published notice of the Planning and Zoning Board hearing prior to adoption of the Ordinance. The item has been brought back after interested and affected parties have been provided with an opportunity to respond to this information. Responses and emails from Steven Nagy and John Staszal were received.

Town Attorney Trevarthen continued that the first argument raised by the Applicant's representative was that a material change was made to Ordinance 2015-12 between its first and second readings. Counterarguments from Mr. Nagy and Mr. Staszal were also received. She advised that the standard in this case is whether the general purpose of the Ordinance changed between first and second readings. After examining the argument, Town Attorney Trevarthen did not believe this standard was met, and the changes between first and second readings were not material.

Town Attorney Trevarthen continued that the primary focus of this Item is a third argument raised by the Applicant's representative, which stated that investigation of Town records did not reveal a copy of published notice for the Planning and Zoning Board hearing on Ordinance 2015-12. This notice is required by Town Code. The representative asserts that an Ordinance enacted without proper notice is void and cannot be enforced to require a variance.

A response from Mr. Nagy states that published notice is not required by Town Code according to his interpretation, as the Planning and Zoning Board is not the final deciding entity regarding adoption of Ordinances. Mr. Nagy also alleges that the Applicant had constructive and actual notice of the 25 ft. setback before applying for approval. A more recent email by Mr. Nagy adds that the Statute requires only one published notice. This standard was met because there was published notice of the Commission's consideration of the Ordinance. This email also states that the Code was intended to adopt State law and not to go beyond it.

Town Attorney Trevarthen continued that she has worked with Town Staff to review Code notice requirements and research the notice history. Code includes a provision that establishes the Development Services Director as the Department Director responsible for interpreting and implementing Chapter 30 of Code. Development Services Director Connors has reviewed these requirements and determined that Code does require 10 days' published notice of the Planning and Zoning Board hearing. The Commissioners' backup materials include documentation of the search for evidence of written notice of the Planning and Zoning Board hearing.

Town Attorney Trevarthen stated that she is in agreement with both Development Services Director Connors and Applicant's representative Nectaria Chakas that Code requires published notice of the Planning and Zoning Board's consideration of Ordinance 2015-12. Case law makes it clear that the failure to publish notice of an Ordinance renders the Ordinance void. She pointed out, however, that the Florida Statute created to address notice challenges states that an individual who does not own property at the time of a defect in notice does not have the standing to raise this issue and challenge the Ordinance. The subject property was not purchased by the Applicant until 2016. This is one reason that the apparent absence of published notice may not lead to invalidation of the Ordinance in this case.

Another aspect of the case is whether or not the Commission agrees with the interpretations of Town Staff and the Town Attorney regarding the requirement for

published notice. Because the Commission is the author of every law enacted by the Town, they are the ultimate arbiter of those laws' meaning.

Town Attorney Trevarthen reviewed the options before the Commission:

- Accept the interpretation that published notice is required by Code and acknowledge that written evidence of this notice has not been found, but still decide to treat the Ordinance as valid, in which case the variance would be required
- Accept the same interpretation and decide that this means Ordinance 2015-12 should be treated as invalid and unenforceable
- Reject the interpretation of Code regarding the requirement for published notice, and proceed with the variance hearing

Town Attorney Trevarthen asked if the Applicant and other interested parties would like the Commission to proceed with the Item and swear in any individuals wishing to speak on the case. The Applicant's representative requested that prospective speakers be sworn in.

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and the Commissioners disclosed any ex parte communications on these Items. Individuals wishing to speak on these Items were sworn in at this time.

At this time Vice Mayor Sokolow opened public comment.

Nectaria Chakas, representing the Applicant, stated that Ordinance 2015-12 includes a fatal flaw due to the lack of published notice that prohibits the Town from proceeding with the variance hearing. Robert Bissonnette P.A., representing the Applicant as litigation counsel, addressed the Town Attorney's Agenda Memorandum to the Commission, advising that he did not agree with her recommendation that the Commission may determine the Ordinance to be valid despite the notice issue. He felt the Ordinance was void, as the Town did not comply with its own notice requirements, and that the Applicant has standing to challenge it.

Steven Nagy, resident, asked if Town Staff researched other public notices for the Planning and Zoning Board and whether publication of notice for items before that advisory body is normal. He felt if notice is not normally provided, all Town Ordinances would then be invalid.

John Staszal, resident, stated that he agreed with Mr. Nagy regarding the validity of all Town Ordinances.

Mr. Nagy continued that the analysis of the Ordinance's validity is based on a table included in the backup materials, which he did not feel provided a complete summary of notice requirements. He pointed out that the document suggests text amendments to Ordinances must be noticed only once. In addition, the document suggests if a Town Ordinance conflicts with a State Statute, the Statute prevails. Mr. Nagy asserted that the documentation represents only the timelines and types of public notice required. He requested that the Application be tabled and the issue settled in court.

Ms. Chakas observed that Florida Statutes allow a municipality to adopt more stringent notice requirements than those required by the State. While Florida Statutes require a single published notice, the Town's Ordinance requires that notice be published prior to discussion by the Planning and Zoning Board as well as prior to discussion by the Commission.

Ms. Chakas also addressed the provision that states notice may be challenged only by a party that was entitled to have had notice at the time, pointing out that this provision is not part of Town Code. As a result, this cannot be claimed as a defense. She concluded that this meant all arguments against the Applicant's standing hold no weight.

Town Attorney Trevarthen advised that the notice requirement under discussion does not apply to every Town Ordinance, but only to those Ordinances on which the Planning and Zoning Board is required to make a recommendation.

Mr. Nagy stated that according to Town Code, the repeal of an Ordinance may not revive any Ordinance enforced before or at the time the repealed Ordinance took effect. He asserted that this meant repeal of Ordinance 2015-12 would not cause Code to revert to the requirement for a 15 ft. setback.

Ms. Chakas replied that if an Ordinance is void, it is as if that Ordinance did not exist, which means Code would revert to the previous requirement.

Mr. Staszal reiterated that prior Ordinances are not revived at the time a subsequent Ordinance is repealed. He also referred to the subset of Ordinances for which public notice is required, stating that if Ordinance 2015-12 is invalid, any other Ordinances for which public notice requirements were not met would also be invalidated.

With no other individuals wishing to speak at this time, Vice Mayor Sokolow closed public comment.

Commissioner Malkoon requested clarification of whether invalidation of Ordinance 2015-12 would mean the item is now governed by previously existing setback requirements. Town Attorney Trevarthen replied that this section of Code, which dates back to 1962, only applies when the Commission explicitly repeals an Ordinance. She did not believe it was directly applicable in this case, as case law states the Ordinance would be *void ab initio*, or void from the beginning. This is not the same as repeal.

Commissioner Vincent observed that all Town Ordinances follow State Statutes except for those reflected in Chapter 30 of the Code of Ordinances, which are more stringent than State Statutes. He noted that Ordinance 2015-12 is a land use Ordinance, which requires a second public notice. Based on the Town's own rules and procedures, he felt this meant Ordinance 2015-12 is invalidated rather than repealed.

Commissioner Oldaker advised that if the procedure required for passage of an Ordinance was not followed properly, he did not feel the end product was valid.

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, that the Commission heed recommendation #2 and accept the interpretation of Code that published notice is required, and finding that it was not met, declare Ordinance 2015-12 is invalid and should not be enforced. Motion carried 3-0 (Vice Mayor Sokolow abstaining).

Commissioner Vincent also directed Staff to bring back an Agenda Item regarding the proper procedure regarding Ordinance 2015-12, including the procedure necessary to address this Ordinance once again.

Town Attorney Trevarthen requested clarification of whether Staff was asked to bring back a discussion Item on this procedure or a re-adoption of Ordinance 2015-12. It was clarified that Commissioner Vincent wished the Item to come back before the Commission for first reading, after which time the Ordinance would continue on to the Planning and Zoning Board and through subsequent proper channels.

Commissioner Malkoon pointed out that other Ordinances are likely to need to come before the Commission again for the same reason as Ordinance 2015-12. Commissioner Vincent advised that his direction referred only to Ordinance 2015-12, although other issues may come back at a later time. It was clarified that Staff would provide proper

Town of Lauderdale-By-The-Sea
Regular Town Commission Meeting
January 23, 2018


notice for Ordinance 2015-12, and upon first reading it will either be re-adopted or amended.

**b. Variance Request for 4437 West Tradewinds Avenue (Linda Connors,
Development Services Director)**

Town Attorney Trevarthen stated that Item 17b has been rendered moot by the vote on Item 17a. The Item was withdrawn from the Agenda.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 8:35 p.m.



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Allen

2-13-18

Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Sokolow, Elliot		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town Commission	
MAILING ADDRESS 4501 N. Ocean Drive		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Lauderdale-By-The-Sea	COUNTY Broward	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED January 23, 2018		NAME OF POLITICAL SUBDIVISION: Lauderdale-By-The-Sea	
		MY POSITION IS:	
		<input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, EMIL SOKOLOV, hereby disclose that on JANUARY 23, 2018:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of RED GARDEN, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ITEM 7a & 17b -
I AM EMPLOYED BY & PART OWNER OF THE AIR CONDITIONING CONTRACTOR RETAINED FOR THIS PROJECT.

Date Filed

1-23-18

Signature

Emil Sokolov

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

